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9  
10 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

11 UNITED AUTOMOBILE INSURANCE  
COMPANY,

12 Plaintiff,

13 vs.

14 THOMAS CHRISTENSEN, an individual; E.  
15 BREEN ARNTZ, an individual; and GARY  
LEWIS, an individual,

16 Defendants.

17 Case No.: 2:18-cv-02269-JAD-BNW

18  
19 **JOINT STATUS REPORT**  
**REGARDING STAY OF DISCOVERY**  
**(ECF NO. 40)**

20 United Automobile Insurance Company (“Plaintiff”) and Thomas Christensen, E. Breen  
Arntz and Gary Lewis (“Defendants”), submit this Joint Status Report Regarding Stay of  
Discovery (ECF No. 40).

21 Plaintiff filed its Complaint on November 28, 2018. (ECF No. 1) Defendant  
22 Christensen filed a Motion to Dismiss on February 22, 2019. (ECF No. 5) Defendant Arntz  
23 filed a Joinder to Christensen’s Motion to Dismiss on March 1, 2019. (ECF No. 9) Defendant  
24 Lewis filed a Joinder to Christensen’s Motion to Dismiss on March 1, 2019 (ECF No. 10) and  
25 an additional Motion to Dismiss on March 1, 2019. (ECF No. 11) This Court denied the  
26 Motions to Dismiss on September 13, 2019 (ECF No. 32). As part of that Order, this Court  
27 ordered the parties to submit a Discovery Plan and Scheduling Order by September 27, 2019.

1       On September 27, 2019, the parties jointly sought a stay of discovery (ECF No. 33)  
2 because this lawsuit is related to a much larger dispute in cases (some of which are pending)  
3 in the Eighth Judicial District Court, Case No. A-07-549111-C (consolidated with A-18-  
4 772220-C); the Nevada Supreme Court, Case Nos. 79487, 78243, 78085, and 70504; the Ninth  
5 Circuit Court of Appeals, Case No. 13-17441; and another case in California.<sup>1</sup>

6       On October 4, 2019, This Court granted the Stipulation to Stay Proceedings (ECF 40).  
7 Defendants Christensen, Lewis and Arntz filed their Answers to Complaint. (ECF Nos. 34, 36  
8 and 39).

9       On October 10 and 11, 2019, Defendant Christensen filed Motions for Reconsideration  
10 of this Court's September 13, 2019 (ECF No. 10) Order. (See ECF Nos. 40 and 41). On  
11 October 11, 2019, Lewis filed a Joinder to the Motion for Reconsideration (ECF No. 42). On  
12 October 15, 2019, Arntz filed a Joinder to the Motion for Reconsideration (ECF No. 43). On  
13 October 24, 2019 Plaintiff opposed the Motion for Reconsideration and Joinders (ECF No. 46).  
14 On October 31, 2019, Christensen filed his Reply in Support of Reconsideration (ECF No. 47).  
15 On December 18, 2019 Christensen sought leave to file supplemental authorities in support of  
16 his Motion for Reconsideration to this Court. (ECF Nos. 48 and 49). The parties await this  
17 Court's ruling on the Motion for Reconsideration.

18       The parties believe that the stay of discovery in this proceeding should remain in place  
19 pending further rulings, both in this case and in the other courts, that may resolve the issues in  
20 both this case and the pending state court case or, at a minimum, pave the way for dispositive

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22       1 In July 2019, the Nevada District Court denied UAIC's motion for relief from an  
23 amended judgment in Case No. A-07-549111-C. That decision was appealed to the Nevada  
24 Supreme Court in Case No. 79487. On September 20, 2019, the Nevada Supreme Court, in  
25 Case No. 70504, issued its Opinion regarding two certified questions (ECF Nos. 37, 38, Notice  
26 of Supreme Court Decision). The certified questions were from the Ninth Circuit, pertaining to  
27 the matters pending in Case No. [13-17441](#). A petition for rehearing was filed with the Nevada  
28 Supreme Court on October 8, 2019, which was denied. A Motion to Supplement the Ninth  
Circuit Record on Appeal was filed on November 11, 2019 (Doc. No. 67). On December 23,  
2019, UAIC Opposed the Motion to Supplement the Record (Doc. No. 75). Two writ petitions  
were filed by Defendant Lewis and a non-party to this litigation (Nalder), which are pending  
decision in the Nevada Supreme Court.

1 motions. The parties request a continued stay of discovery with a status report to be filed with  
2 the Court 90 days from today's date (i.e. **March 26, 2020**) regarding developments from other  
3 courts considering matters that may affect this case.

4 DATED this 27<sup>th</sup> day of December, 2019.

5 **ATKIN WINNER & SHERROD**

6 By: /s/ Matthew J. Douglas

7 Matthew John Douglas  
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8 *Attorneys for Plaintiff*

9 DATED this 27<sup>th</sup> day of December, 2019.

10 **SANTORO WHITMIRE**

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14 DATED this 27<sup>th</sup> day of December, 2019.

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18 *Attorneys for Defendant Gary Lewis*

19 DATED this 27<sup>th</sup> day of December, 2019

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24 DATED this 27<sup>th</sup> day of December, 2019.

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28 *Attorneys for Defendant E. Breen Arntz*

29 **IT IS SO ORDERED**

30 **DATED: December 31, 2019**

31 

32 **BRENDA WEKSLER**  
33 **UNITED STATES MAGISTRATE JUDGE**

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2019, I caused a true and accurate copy of the foregoing document entitled **JOINT STATUS REPORT REGARDING STAY OF DISCOVERY (ECF NO. 40)** to be filed with the Clerk of the Court via the CM/ECF system, which will send an electronic copy to the following:

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